

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-090508

07/08/2009

HONORABLE JAMES P. BEENE

CLERK OF THE COURT

K. Alger

Deputy

IN RE THE MARRIAGE OF
TABITHA CHRISTY CORDELL

TABITHA CHRISTY CORDELL
7640 S POWER RD # 1072
GILBERT AZ 85297

AND

MATHEW MARCEO BRANDON MEYER

MATHEW MARCEO BRANDON
MEYER
1304 E RYAN RD
QUEEN CREEK AZ 85240

DOCKET-FAMILY COURT-SE
FAMILY COURT SERVICES-CCC

DECREE OF DISSOLUTION OF MARRIAGE

The Court makes the following findings:

- A. At the time this action was commenced at least one of the parties was domiciled in the State of Arizona and that said domicile had been maintained for at least 90 days prior to the filing of the Petition for Dissolution of Marriage.
- B. The conciliation provisions of A.R.S. §25-381.09 have either been met or do not apply.
- C. The parties were married on September 26, 2004. By operation of law, the marital community is deemed to have terminated on, February 9, 2009.
- D. The marriage is irretrievably broken and there is no reasonable prospect for reconciliation.

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- E. There are two minor children, common to the parties, namely: Brennan Meyer and Austin Meyer.
- F. Mother is not pregnant.
- G. This was not a covenant marriage.
- H. To the extent that it has jurisdiction to do so, the court has considered, approved and made provision for the maintenance of either spouse and the division of property and debts.

Based thereon,

DISSOLUTION OF MARRIAGE

IT IS HEREBY ORDERED dissolving the marriage of the parties and restoring each party to the status of a single person.

LEGAL CUSTODY

At trial, Mother requested joint custody of the minor children. Father requested that the Court award him sole legal custody of the minor children. Father based his request for sole custody on a domestic violence incident that occurred on November 13, 2008 between him and Mother. While the Court does not in any way condone Mother's actions of November 13, 2008, the Court does not believe that this single incident justifies awarding Father sole legal custody of the minor children. In fact, at trial, Father testified that Mother has never harmed or threatened to harm the minor children.

This Court has jurisdiction as Arizona is the "home state" of the child. In accordance with A.R.S. § 25-403, and after hearing the testimony and evidence presented at the July 7, 2009 trial, the Court finds that it is in the best interest of the minor children for the parties to be awarded joint legal custody of the minor children.

IT IS THEREFORE ORDERED as follows:

- A. The parties are awarded joint legal custody of the minor child.
- B. Each parent is entitled to full and unrestricted access to all medical, dental, prescription and health related records of the child and may secure information from and consult with all health care professionals involved with the minor child. Each party shall keep the other parent informed of the names, addresses and telephone numbers of all health care providers of the child.

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- C. Each parent is entitled to full and unrestricted access to all school records, teachers and school officials involved in the child's schooling.
- D. Both parents shall be listed and identified as contact persons on all records.
- E. In the event of any emergency or urgent circumstance involving the child, the other parent shall be notified as soon as is reasonably possible.
- F. Each parent shall have the right to attend and participate in school, extra-curricular, conference, organized activity or other similar event in which parents are routinely invited or permitted to attend.
- G. Each parent shall keep the other apprised of his/her home address, home telephone number, employer and address, work telephone number and, if applicable, cellular telephone number and e-mail address.
- H. It is in the furtherance of the child's best interests for the parents to confer and for the views of each parent to be considered. There shall be communication between the parents to address day-to-day and more significant issues. They shall develop their communication by utilizing e-mail as their primary method for communication. This shall afford a method that ensures both accountability and verifiability. Both parties shall maintain and regularly review their e-mail accounts. They shall each respond in a timely fashion, even if such response is merely to acknowledge the receipt of information. Each should print copies of all e-mails received and sent so that if an issue arises in the future that has been addressed through e-mail, each party shall have proof as to what was communicated.
- I. It is anticipated that parental decisions shall be required for major issues in raising the children and in meeting their on-going needs. If/when they arise, the parents shall address the issues. Each shall give good faith consideration to the views of the other. If the decision involves medical or schooling issues, the parties may further elect to seek input from treating physicians or educators. Both parents shall be provided with such input. If the parents cannot agree after making a good faith effort to come to an agreed upon decision, Mother shall have "presumptive decision making authority." This level of authority shall allow Mother the right to make a preliminary decision that she shall then communicate to Father. If Father believes that her decision is contrary to the best interests of the children, he shall have the right to seek review thereof through the Court. Father shall have the burden to demonstrate that the decision made by Mother is contrary to the children's best interests. It shall not be sufficient for him to demonstrate that an alternative decision may have also been in the interest of the children.

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- J. Neither party shall make derogatory, disparaging, or similarly negative comments about the other party in the presence of the minor children. Neither party shall discuss family law proceedings with the children or use the children as a messenger for parenting issues.

PHYSICAL CUSTODY

Since the Court awards joint legal custody to the parties, with equal parenting time, neither party shall be designated as the primary residential parent. The parties' parenting time shall be as follows:

The children will be in Mother's care every Sunday at 11:30 a.m. until Wednesday at 7:00 p.m. The children will be in Father's care every Wednesday at 7:00 p.m. until Sunday at 11:30 a.m.

Father shall be responsible for the pick-up of the child at the start of any access time assigned to him and Mother shall be responsible for the pick-up of the child at the end of Father's parenting time.

For holidays, the parties shall utilize the following schedule which shall take priority over the regular or summer access schedule:

- a. Mother's Day from 9:00 a.m. on Sunday until Monday morning will be celebrated with Mother every year.
- b. Father's Day from 9:00 a.m. on Sunday until Monday morning at 9:00 a.m. will be celebrated with Father every year. The regular parenting time schedule will apply following Father's parenting time on Father's Day.
- c. Halloween. The children will be in Mother's care in the odd-numbered years and in Father's care in the even-numbered years from 5:00 p.m. until 8:00 p.m., when the regular parenting time schedule will apply.
- d. Thanksgiving. The children will be in Father's care in the even-numbered years and in Mother's care in the odd-numbered years from 5:00 p.m. on Wednesday until Thursday at 7:00 p.m., when the regular parenting time schedule will apply.
- e. Christmas Eve/Day. The children will be in Father's care in the odd-numbered years beginning on December 23 at 7:00 p.m. until Christmas Eve at 9:00 p.m., then with Mother from 9:00 p.m. on Christmas Eve until 9:00

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a.m. on December 26 when the regular parenting time schedule will apply. This schedule will reverse in the even-numbered years.

- f. Children's Birthdays. Each parent will celebrate the children's birthdays when they have physical custody of the children.

This weekday and weekend schedule will apply for all twelve (12) calendar months, with no specific changes during the summer months.

Each parent may schedule a one-week vacation period with the children from Sunday until the following Sunday. A parent intending to exercise vacation travel shall provide the other parent with not less than 30 days advance written notice of the intention to exercise vacation time with the children. The vacation shall not be scheduled in a fashion that would interfere with holiday time assigned to the other parent above. The parent planning to vacation with the children will provide the other parent with a written itinerary no less than 20 days before departure, which shall include travel dates, destination(s), and places where the children and that parent can be reached during the vacation.

Neither parent shall relocate the residence of the children outside of Arizona without prior written consent of the other parent or court order.

CHILD SUPPORT

For child support purposes, the Court makes the following findings:

| | |
|--------------------------------------|-------------|
| Mother's Income | \$ 1,970.00 |
| Father's Income | \$ 1,026.00 |
| Adjustments to Father's Income | \$ 0 |
| Adjustments to Mother's Income | \$ 0 |
| Basic Support Obligation | \$ 817.00 |
| Over 12 Adjustment | \$ 0 |
| Child Care Paid by Mother | \$ 360.00 |
| Health Insurance Paid by Mother | \$ 0 |
| Parenting Time Adjustment (160 days) | 45 percent |

Pursuant to the Arizona Child Support Guidelines, Mother's child support obligation to Father would be \$5.43 per month. The Court finds that in accordance with Section 20 of the Arizona Child Support Guidelines, application of the Guidelines would be inappropriate or unjust as applied to this matter. The factor that leads to this finding is that Mother and Father are assuming equal parenting time of the minor children. The Court therefore concludes that a child support award is not warranted in this matter.

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EXCHANGE OF INCOME INFORMATION

The parties shall exchange income information every 24 months from the date of the entry of the Decree of Dissolution of Marriage for so long as Father has an obligation to pay child support. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

CHILDREN'S INSURANCE

IT IS ORDERED that Mother shall maintain medical insurance for the minor children. Mother shall ensure that Father is kept informed at all times of the name and address of the insurance provider as well as the policy number. Additionally, Mother shall provide Father with valid insurance cards and policy information and update information changes.

IT IS FURTHER ORDERED that any non-covered medical, dental, orthodontic, optical, prescription expenses as well as deductibles and co-pays shall be paid 50 percent by Father and 50 percent by Mother.

DEPENDENCY EXEMPTION

IT IS ORDERED that Mother may claim the dependency exemption for Brennan Meyer in even-numbered tax years and Father may claim the dependency exemption for Austin Meyer in even-numbered tax years. Father may claim the dependency exemption for Brennan Meyer in odd-numbered tax years and Mother may claim the dependency exemption for Austin Meyer in odd-numbered tax years. If the party entitled to the exemption does not realize a financial benefit from the exemption for a given tax year, the other party shall be entitled to claim the tax exemption for that tax year.

IT IS FURTHER ORDERED that each party shall execute any forms required in order to implement these terms.

PROPERTY

Each party shall retain as his or her sole and separate property any furniture, furnishings, appliances, tools, art work, collectibles, and related personal property in that party's possession.

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Each party shall retain as his or her sole and separate property any disclosed savings, checking or other financial account held in that party's name.

At trial, Father requested that the Court enter an order granting him one-half of the 2008 Federal and State of Arizona tax refunds. Father asserts that the community received \$8,255.00 in Federal and Arizona tax refunds in 2008 and he is entitled to one-half of this amount (\$4,127.50). Mother testified that the tax refund monies were used to pay bills for the community because Father was not employed during this period of time.

The Court finds that Mother presented credible evidence to support the claim that the 2008 tax refund monies were used to support the community during the time that Father was principally unemployed. Therefore,

IT IS ORDERED denying Father's request for one-half of the 2008 Federal and State of Arizona tax refunds.

DEBTS

IT IS ORDERED that Father shall be responsible for, indemnify and hold Mother harmless from the following debts and financial obligations:

- A. Unless otherwise provided herein, any financial obligations associated with or arising from any property awarded to Father herein.
- B. Any debts or financial obligations incurred by Father after the date of service of process.
- C. One-half of \$11,398.33 balance (\$5,699.12) on the jointly held loan for the 2002 Chevy Trailblazer.
- D. One-half of the \$435.00 balance (\$217.50) on the jointly held Americredit Credit Union account.

IT IS FURTHER ORDERED that Mother shall be responsible for, indemnify and hold Father harmless from the following debts and financial obligations:

- A. Unless otherwise provided herein, any financial obligations associated with or arising from any property awarded to Mother herein.

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- B. Any debts or financial obligations incurred by Mother after the date of service of process.
- C. One-half of \$11,398.33 balance (\$5,699.12) on the jointly held loan for the 2002 Chevy Trailblazer.
- D. One-half of the \$435.00 balance (\$217.50) on the jointly held Americredit Credit Union account.

SPOUSAL MAINTENANCE

THE COURT FINDS that neither party seeks an order of spousal maintenance or meets the criteria set forth in A.R.S. § 25-319(A) for an award of spousal maintenance. Accordingly,

IT IS ORDERED that spousal maintenance is not awarded to either party.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

DATED the 8th day of July, 2009

/S/ HONORABLE JAMES P. BEENE

JAMES P. BEENE
JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.